

# ABLE Act Oversight Committee

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Date: November 12, 2015  
Time: 10:00 – Noon  
Location: 111 N Sanders – Conference Room 207

## Attendees:

### Committee Members:

Jon Bennion  
Sheila Hogan, Department of Administration  
Kat Patterson  
Novelene Martin, Department of Public Health and Human Services

### Interested Parties:

Charlie Briggs, Easter Seals-Goodwill  
Diana Tavery, PLUK  
Mary Caferro, The ARC-MT  
Donya Parrish, MT Credit Unions  
Theresa Baldry, PLUK  
Justice Ender, Summit Independent Living Center  
Steve Turkiewicz, Montana Bankers Associations  
Shyla Patera, North Central Independent Living Center

## Introductions:

Introductions of Committee Members and interested parties was done.

## Overview of ABLE Act

Jon Bennion gave an overview of the ABLE Act. The overview included the responsibilities of the oversight committee and the Department of Public Health and Human Services (DPHHS).

## Status of IRS Regulations

Brief update of the IRS regulations – the regulations are not yet finalized.

## Committee Roles: Chairperson: Jon Bennion

Vice-chairperson: Novelene Martin

## Next steps for Montana

Sheila Hogan: will check to see how “request for proposals” was done for VEBA accounts – this will serve as an example of what a proposal for administration of ABLE accounts could look like.

Jon Bennion: research why the State chose to use one vendor for 529 accounts

Novelene: check with legal regarding rule making, letter to financial institutions, establishment of one-time fee, and minimum contributions.

Check with Chris Hunter: see if he knows what is meant by asking the IRS for a “private letter ruling”

Kat: has the link to the proposed rules and forms.

Public Comment:

Comment: would like to see someone with a disability on the committee.

Comment: IRS Regulations: might require monthly expenditures to be reported, would like to see that people can submit yearly expenditures.

Comment: Suggest we send a letter to the IRS with concerns.

FOLLOWUP from Meeting:

Jon: I talked to Amy Berry at the Board of Regents during my lunch break about their 529 program for college savings. We were mostly curious about why they chose to go with a single financial institution, and here is what I learned:

1. Originally, they didn’t have many institutions that wanted to provide the service, and some that were interested didn’t qualify or were non-responsive. That could be because Montana is small compared to larger states where it may make more financial sense for those institutions. So their decision to go with a single provider may have been their only option given the limited choices available. They do have the option of having more than one under current law, just like the ABLE Act;
2. The program has changed hands from one provider to another in recent years, and there was no RFP to get the current provider on board.

Kat: Link to proposed rules and forms: <https://www.irs.gov/Government-Entities/Federal,-State-&-Local-Governments/Tax-Benefit-for-Disability-IRC-Section-529A>

Sheila: sent several documents over. Those will be forwarded to committee members via a separate email.

Novelene:

Met with legal (Susan Callaghan). She will look over the legislation to give us some direction on the rule making process, the establishment of the one-time fee and minimum contributions. Initially, she thinks that could be something the financial institution could put as

part of their plan but she wanted to look at the legislation again. She will get back to me on recommendations for the letter to the financial institution.

Email to Chris Hunter – I have not heard back from him.